

AN ORDINANCE

**9 8 9 5 1**

**APPROVING: (1) A CONSTRUCTION AGREEMENT GOVERNING DEVELOPMENT OF A SUITES-TYPE HOTEL AND RELATED PUBLIC IMPROVEMENTS ON WEST MARKET STREET BETWEEN NAVARRO AND PRESA STREETS AND ALONG THE RIVERWALK AND (2) A LEASE AGREEMENT IN CONNECTION WITH THE HOTEL FOR 562.00 SQUARE FEET OF PATIO SPACE ALONG THE RIVERWALK FOR A 5 YEAR TERM, WITH THREE 5-YEAR RENEWAL OPTIONS, SUBJECT TO CITY COUNCIL APPROVAL, AT A BEGINNING ANNUAL RENT OF \$8,164.97 FOR THE FIRST YEAR, SUBJECT TO ADJUSTMENT, BOTH AGREEMENTS BEING WITH RIVERTON SUITES, LTD.; AND REAUTHORIZING THE LIMITED WAIVER OF RIGHT-OF-WAY CLOSURE FEES AS PROVIDED UNDER THE CONSTRUCTION AGREEMENT.**

\* \* \* \* \*

**WHEREAS**, the City and Riverton Suites, Ltd. ("Riverton") had previously entered into a Construction Agreement and several other related agreements, pursuant to Ordinance 91935, and a Lease Agreement, pursuant to Ordinance No. 91936, both ordinances having been approved on June 8, 2000 in connection with construction of a 240-room suites-type hotel and related public improvements at the southeast corner of West Market Street between Navarro and Presa Streets and along the Riverwalk; and

**WHEREAS**, the project was delayed due to litigation which enjoined Riverton from proceeding at the time, but the City, through amendments to the Construction Agreement, continued granting extensions for commencement of construction through subsequent Ordinances Nos. 93838, 95005, and 95955; and

**WHEREAS**, the litigation has been settled and Riverton is ready to proceed with construction, and City staff recommends that amended and restated agreements be approved, in order to proceed and to also reauthorize the limited waiver of right-of-way closure fees as provided under the original Construction Agreement; **NOW THEREFORE:BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** An Amended and Restated Construction Agreement Between the City of San Antonio and Riverton Suites, Ltd., a copy of which, signed on behalf of Riverton, is affixed to this Ordinance and incorporated herein verbatim for all purposes as Attachment I, is approved, for the purpose of amending and restating that certain Construction Agreement between said parties executed by the City on August 14, 2000 pursuant to Ordinance Number 91935 passed and approved on June 8, 2000, for the construction of a hotel at the southeast corner of West Market Street between Navarro and Presa streets and along the Riverwalk, and related public improvements.

**SECTION 2.** An Amended and Restated Lease Agreement between the City and Riverton Suites, Ltd., as Tenant, , a copy of which, signed on behalf of the Tenant, is affixed to this Ordinance and incorporated herein verbatim for all purposes as Attachment II is approved, for the purpose of amending and restating that certain Lease Agreement by and between the parties for 562.00 square feet of public space on the San Antonio Riverwalk in Council District 1, for outdoor dining services for the proposed hotel at the southeast corner of West Market and Navarro Streets for a 5 year term, with three 5-year renewal options, subject to City Council approval, at a first year annual rent of \$8,164.97 and adjusted thereafter.

**SECTION 3.** The limited waiver of right-of-way closure fees as provided under the original Construction Agreement is hereby reauthorized, requiring that Riverton Suites, Ltd. will pay the City a flat \$2,000.00 monthly fee for 18 months, increasing thereafter, for use of City public rights of way, as detailed in the Amended and Restated Construction Agreement.

**SECTION 4.** The City Manager or her designee is hereby authorized to execute (1) an Amended and Restated Construction Agreement Between City of San Antonio and Riverton Suites, Ltd., as referenced in **SECTION 1.** of this Ordinance; (2) an Amended and Restated Lease Agreement as referenced in **SECTION 2.**; and any and all other documents necessary to effect this Ordinance, as first reviewed by the Office of the City Attorney,

**SECTION 5.** The proceeds of these agreements shall be deposited into Fund 11-000 entitled "General Fund," Index Code 012732, entitled, "License Agreements - Use of ROW."

**SECTION 6.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

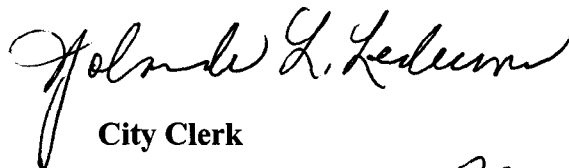
**SECTION 7.** This Ordinance shall become effective on the 21<sup>st</sup> day of March, 2004.

**PASSED AND APPROVED** this 11<sup>th</sup> day of March, 2004.



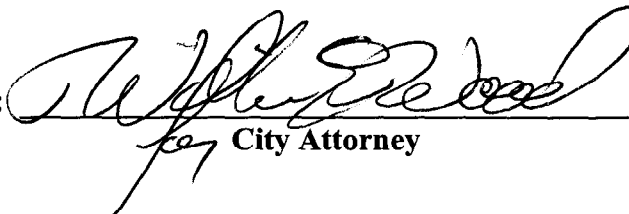
M A Y O R  
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney